

**SUPREME COURT MINUTES
THURSDAY, FEBRUARY 24, 2005
SAN FRANCISCO, CALIFORNIA**

S123722

F043006 Fifth Appellate District

N. (HOWARD), IN RE

Opinion filed: Judgment reversed

and remanded to the Court of Appeal.

Opinion by Brown, J.

--- joined by George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.**S130327**B179523 Second Appellate District,
Division One

LAUDERMILL (REGINALD) ON H.C.

Time extended to grant or deny review

to April 1, 2005.

S130352D040824 Fourth Appellate District,
Division One

PEOPLE v. FUSON

Time extended to grant or deny review

to April 4, 2005

S130363

C039430 Third Appellate District

PEOPLE v. DIXON

Time extended to grant or deny review

to April 1, 2005

S130381

F044333 Fifth Appellate District

PEOPLE v. HULL

Time extended to grant or deny review

to April 4, 2005

S130390

H028200 Sixth Appellate District

GARDNER (LARRY) ON H.C.

Time extended to grant or deny review

to April 1, 2005

S130397B179365 Second Appellate District,
Division Eight

WITHERS (CLAUDE) ON H.C.

Time extended to grant or deny review

to April 5, 2005.

S130402

B169640 Second Appellate District,
B176859 Division Three

PEOPLE v. FUNTILA

Time extended to grant or deny review

to April 1, 2005

S130440

B179535 Second Appellate District,
Division Five

GOMEZ (RAMIRO) ON H.C.

Time extended to grant or deny review

to April 6, 2005

S130450

H028223 Sixth Appellate District

CASTILLO v. S.C. (PEOPLE)

Time extended to grant or deny review

to April 6, 2005

S130496

E032929 Fourth Appellate District,
Division Two

PEOPLE v. BACA

Time extended to grant or deny review

to April 5, 2005.

S130500

A100633 First Appellate District,
Division Three

HAMPTON v. SCHIAPPACASSE

Time extended to grant or deny review

to April 7, 2005

S130508

G033550 Fourth Appellate District,
Division Three

D. (JULIO), IN RE

Time extended to grant or deny review

to April 6, 2005.

S130509

A104900 First Appellate District,
Division Five

PEOPLE v. SPENCER

Time extended to grant or deny review

to April 11, 2005.

S130516

G034756 Fourth Appellate District,
Division Three

MORRIS (JOSEPH) ON H.C.

Time extended to grant or deny review

to April 8, 2005.

S130536

G032195 Fourth Appellate District,
Division Three

CALIF SCHOOL EMPLOYEES ASSN. v. SOUTH
ORANGE COUNTY COMMUNITY GOV. BOARD
Time extended to grant or deny review

to April 7, 2005.

S130539

F045183 Fifth Appellate District

PALMER v. BEAR VALLEY SPRINGS ASSN.
Time extended to grant or deny review

to April 8, 2005.

S130540

E032927 Fourth Appellate District,
Division Two

PEOPLE v. VASQUEZ
Time extended to grant or deny review

to April 6, 2005

S130559

A105261 First Appellate District,
Division One

PEOPLE v. GRAY
Time extended to grant or deny review

to April 11, 2005

S130570

B166204 Second Appellate District,
Division Six

PEOPLE v. LEE
Time extended to grant or deny review

to April 8, 2005

S130580

C043447 Third Appellate District

PEOPLE v. MARLIN
Time extended to grant or deny review

to April 6, 2005

S130602

E037134 Fourth Appellate District,
Division Two

COSIO (GEORGE) ON H.C.
Time extended to grant or deny review

to April 12, 2005

S130629

A105208 First Appellate District,
Division Two

PEOPLE v. HOLZ
Time extended to grant or deny review

to April 11, 2005

S130642

F044201 Fifth Appellate District

PEOPLE v. HERNANDEZ

Time extended to grant or deny review

to April 13, 2005

S130648A108356 First Appellate District,
Division Two

ELKINS (JEFFREY DAVID) ON H.C.

Time extended to grant or deny review

to April 13, 2005

S130688G034125 Fourth Appellate District,
Division Three

CONNALLY (PATRICK) ON H.C.

Time extended to grant or deny review

to April 14, 2005

S130713B178242 Second Appellate District,
Division Two

OCHOA (GILBERTO) ON H.C.

Time extended to grant or deny review

to April 14, 2005.

S130742

F041817 Fifth Appellate District

PEOPLE v. DAVIES

Time extended to grant or deny review

to April 14, 2005

S130780D042385 Fourth Appellate District,
Division OneBUILDING INDUSTRY ASSN. OF SAN DIEGO
v. CALIF REGIONAL WATER QLTY BD.

Time extended to grant or deny review

to April 14, 2005

S045078

PEOPLE v. CLARK (ROYAL)

Extension of time granted

to April 21, 2005 to file appellant's reply brief.
After that date, only two further extensions
totaling about 120 additional days will be
granted. Extension is granted based upon
counsel Melissa Hill's representation that she
anticipates filing that brief by 8/21/2005.

S052808

PEOPLE v. GAMACHE (RICHARD C.)
Extension of time granted

to March 8, 2005 to file respondent's brief.
Extension is granted based upon Deputy
Attorney General Kristine A. Gutierrez's
representation that she anticipates filing that
brief by 3/8/2005. After that date, no further
extension will be granted.

S056391

PEOPLE v. WILLIAMS (BOB)
Extension of time granted

to March 24, 2005 to file appellant's reply brief.
Extension is granted based upon counsel Charles
M. Bonneau's representation that he anticipates
filing that brief by 3/24/2005. After that date,
no further extension will be granted.

S056766

PEOPLE v. LEON (RICHARD)
Extension of time granted

to April 15, 2005 to file appellant's opening
brief. After that date, only one further extension
totaling about 60 additional days will be
granted. Extension is granted based upon
counsel Tami J. Buscho's representation that she
anticipates filing that brief by 6/15/2005.

S062562

PEOPLE v. TAYLOR (BRANDON)
Extension of time granted

to April 26, 2005 to file appellant's opening
brief. The court anticipates that after that date,
only six further extensions totaling about 330
additional days will be granted. Counsel is
ordered to inform his or her supervising
attorney, if any, of this schedule, and to take all
steps necessary to meet it.

S065467PEOPLE v. MENDOZA (RONALD)
Extension of time granted

to April 25, 2005 to file appellant's opening brief. After that date, only four further extensions totaling about 270 additional days will be granted. Extension is granted based upon Assistant State Public Defender Denise Kendall's representation that she anticipates filing that brief by 1/20/2006.

S067678PEOPLE v. MENDOZA (MARTIN)
Extension of time granted

to April 27, 2005 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Senior Deputy State Public Defender Marianne Bachers' representation that she anticipates filing that brief by 5/27/2005.

S075726PEOPLE v. MOORE (CHARLES)
Extension of time granted

to April 18, 2005 to file appellant's opening brief. After that date, only two further extensions totaling about 90 additional days will be granted. Extension is granted based upon counsel Cynthia A. Thomas's representation that she anticipates filing that brief by 7/2005.

S110206PEOPLE v. JACKSON (MICHAEL ANTHONY)
Extension of time granted

to April 27, 2005 to file appellant's opening brief. After that date, only two further extensions totaling about 90 additional days will be granted. Extension is granted based upon Deputy State Public Defender Mark Hammond's representation that he anticipates filing that brief by 7/2005.

S121148

BILLINGTON (DONALD G.) ON H.C.
Extension of time granted

Respondent's time to serve and file the informal response is extended to and including March 24, 2005.

S123180

LOVE (TERRELL) ON H.C.
Extension of time granted

Respondent's time to serve and file the informal response is extended to and including April 1, 2005.

S123462

GREEN (LARRY J.) ON H.C.
Extension of time granted

On application of the Attorney General and good cause appearing, it is hereby ordered that the time to serve and file the Attorney General's informal response is extended to and including 3-24-05.

S123659

H023778 Sixth Appellate District

BIG CREEK LUMBER CO. v. COUNTY OF
SANTA CRUZ
Extension of time granted

On application of both counsel for all parties, and good cause appearing, it is ordered that the time to serve and file their responses to amici curiae briefs are hereby extended to and including March 15, 2005.

S123832

C043716 Third Appellate District

AGUA CALIENTE BAND OF CAHUILLA INDIANS
v. S.C. (FAIR POLITICAL PRACTICES COMM)
Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply brief on the merits is extended to and including April 1, 2005.

S124090

C043590 Third Appellate District

PEOPLE v. GARCIA

Extension of time granted

Appellant's time to serve and file the answer brief on the merits is extended to and including March 18, 2005. No further extensions are contemplated

S124494B162235 Second Appellate District,
Division Seven

DORE v. ARNOLD WORLDWIDE

Extension of time granted

to March 28, 2005 to file appellant's consolidated response to amicus curiae briefs.

S124660

RENO ON H.C.

Extension of time granted

to March 21, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 20 additional days will be granted. Extension is granted based upon Deputy Attorney General Robert Breton's representation that he anticipates filing that document by 4/9/2005.

S125590

H025069 Sixth Appellate District

SIEBEL v. MITTLESTEADT

Extension of time granted

Respondent's time to serve and file the reply brief on the merits is extended to and including April 6, 2005.

S125755

RAMIREZ (RICHARD) ON H.C.

Extension of time granted

to March 22, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only seven further extensions totaling about 220 additional days will be granted. Extension is granted based upon counsel Geraldine S. Russell's representation that she anticipates filing that document by 10/30/2005.

S126773

B159750 Second Appellate District,
Division Two

PEOPLE v. SALAS

Extension of time granted

On application of appellant STEPHEN C. PATRICK and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including February 25, 2005.

S126851

LENART (THOMAS) ON H.C.

Extension of time granted

to March 18, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 80 additional days will be granted. Extension is granted based upon counsel Phyllis M. Quatman's representation that she anticipates filing that document by 6/8/2005.

S127344

E034242 Fourth Appellate District,
Division Two

PEOPLE v. CAGE

Extension of time granted

to March 21, 2005 to file respondent's answer brief on the merits.

S127768

HARTAWAN (SANDY) ON H.C.

Extension of time granted

to April 17, 2005 for respondent to file the informal response. No further extensions will be granted.

S128442

G031061 Fourth Appellate District,
Division Three

PEOPLE v. WRIGHT

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to and including March 4, 2005.

S129989JACKSON (NOEL) ON H.C.
Extension of time granted

to March 21, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon Deputy Attorney General Bradley A. Weinreb's representation that he anticipates filing that document by 5/18/2005.

S128603D042251 Fourth Appellate District,
Division OneCOPLEY PRESS v. S.C. (COUNTY OF SAN DIEGO)
Order filed

The application of real parties to file a consolidated reply brief on the merits within 20 days after the later answer brief on the merits is filed is hereby GRANTED.

S131158WEBER ON REINSTATEMENT
Petitioner reinstated

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **CLIFFORD RALPH WEBER** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

S102790LUIS ON DISCIPLINE
Probation revoked

Good cause having been shown, the probation previously imposed in case number S102790 (State Bar Court case number 01-O-00318) is revoked, the stay of execution of the previous suspension is lifted, and **Rolando M. Luis, State Bar Number 139574**, is actually suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii) of

the Standards for Attorney Sanctions for Professional Misconduct. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

S129328

WYRICK ON DISCIPLINE
Recommended discipline imposed

It is ordered that **RICHARD LAVERN WYRICK, State Bar No. 42504**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he furnishes satisfactory proof of payment of all child support arrearage related to Gabrielle Wyrick to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed September 22, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this

order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129832

BRODIE ON DISCIPLINE
Recommended discipline imposed

It is ordered that **CHARLES WILLIAM BRODIE, State Bar No. 35411**, be suspended from the practice of law for four years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and until he complies with standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its amended decision filed on October 13, 2004. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129833**CURTIS ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **ALAN WESLEY CURTIS, State Bar No. 56827**, be suspended from the practice of law for three years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 120 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on October 12, 2004. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2006, 2007 and 2008.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129834**EGGLESTON ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **STEVEN B. EGGLESTON, State Bar No. 105111**, be suspended from the practice of law for three years and until he makes restitution to Kristen Horan (or the Client Security Fund, if appropriate) in the amount of \$1,405.62 plus 10% interest per annum from October 19, 2002, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar and until he has shown proof

satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and until he makes restitution to Kristen Horan (or the Client Security Fund, if appropriate) in the amount of \$1,405.62 plus 10% interest per annum from October 19, 2002, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on October 20, 2004. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-fourth of said costs must be added to and become part of the membership fees for the years 2006, 2007, 2008 and 2009. (Bus. & Prof. Code, § 6086.10.) *(See Bus. & Prof. Code, § 6126, subd. (c).)

S129835

HAWES ON DISCIPLINE
Recommended discipline imposed

It is ordered that **WILLIAM RAY HAWES, State Bar No. 45313**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on October 26, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S129836

HUTCHINSON ON DISCIPLINE
Recommended discipline imposed

It is ordered that **HENDLEY CLAY HUTCHINSON, State Bar No. 191891**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days and until he makes restitution to Daria Cepeda (or the Client Security Fund, if appropriate) in the amount of \$500 plus 10% interest per annum from October 15, 2002, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on October 1, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to

comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S131182

KAUFMAN ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **JACK H. KAUFMAN, JR., State Bar No. 57450**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

B173152 Second Appellate District,
Division Three

PEOPLE v. ALLEN (SHAWN DAPRE)
Order filed

The time for granting review on the court's own motion is hereby extended to and including April 6, 2005. (Cal. Rules of Court, rule 28.2(c).)

F044299 Fifth Appellate District

PEOPLE v. McCURLEY (VIRGIL PRICE)
Order filed

The time for granting review on the court's own motion is hereby extended to and including April 5, 2005. (Cal. Rules of Court, rule 28.2(c).)